

### **REMARKS/ARGUMENTS**

Claims 1 to 17 and 20 were rejected under 35 U.S.C. § 102 (b) as being anticipated by Switall (US 4,064,801). Claims 18 and 19 were rejected under 35 U.S.C. § 103 (a) as being unpatentable over Switall in view of Culbertson (US 6,098,902).

Claims 1, 3 and 16 have been amended. Claim 2 has been canceled without prejudice. Claim 21 has been added.

Reconsideration of the application is respectfully requested.

#### **35 U.S.C. 102 Rejections**

Claims 1 to 17 and 20 were rejected under 35 U.S.C. § 102 (b) as being anticipated by Switall (US 4,064,801).

Switall teaches atomizing liquid in a mixing recess 75 via air under pressure exiting through ports 94.

Claim 1 has been amended to recite “an internal passage communicating with the liquid inlet orifice, the gas inlet orifice and the exit orifice, the internal passage including a mixing chamber for entraining the gas in the liquid; the mixing chamber being defined by an enlarged region of the internal passage, the internal passage being narrower than the enlarged region downstream from the mixing chamber”. Support is shown clearly in Fig. 4 for example and at [0029]. The mixing chamber of the present invention is not merely a recess or opening but an enlarged area where the internal passage narrows again so that the air can become entrained in the gas, as described in [0029].

The Switall mixing recess 75 widens toward the exit orifice to permit the desired atomizing, and does not show “the internal passage being narrower than the enlarged region downstream from the mixing chamber” as now claimed in claim 1.

Claim 16 has been amended to recite “entraining the gas in the liquid” as described at [0029] for example. Switall teaches away from entraining the gas in the liquid, as it atomizes the liquid.

Withdrawal of the rejection to claims 1 to 17 and 20 is respectfully requested.

35 U.S.C. 103 Rejections

Claims 18 and 19 were rejected under 35 U.S.C. § 103 (a) as being unpatentable over Switall in view of Culbertson (US 6,098,902).

In view of the above comments, withdrawal of the rejection to claims 18 and 19 is respectfully requested.


New Claim 21

Support for new claim 21 is found in Fig. 4. Switall does not disclose the limitations of this claim.

**CONCLUSION**

The present application is respectfully submitted as being in condition for allowance and applicants respectfully request such action.

Respectfully submitted,  
DAVIDSON, DAVIDSON & KAPPEL, LLC

By:   
\_\_\_\_\_  
William C. Gehris  
Reg. No. 38,156

Davidson, Davidson & Kappel, LLC  
485 Seventh Avenue  
New York, New York 10018  
(212) 736-1940